



Comptroller General
of the United States

Washington, D.C. 20548

Ms. Williams

Decision

Matter of: Midwest Services

File: B-253080; B-253081; B-253082; B-253083;
B-253084; B-253085; B-253086; B-253087;
B-253088; B-253089; B-253090; B-253091

Date: June 7, 1993

Mary P. Flynn for the protester.
Captain Elizabeth DiVecchio Berrigan, and Major Bobby G.
Henry, Jr., Department of the Army, for the agency.
Paula A. Williams, Esq., and Paul Lieberman, Esq., Office of
the General Counsel, GAO, participated in the preparation of
the decision.

DIGEST

Rejection of low quotations from an entity which is a sole proprietorship owned by a currently debarred contractor was proper since the debarred individual is ineligible to receive a government contract.

DECISION

Midwest Services protests the rejection by the Department of the Army of Midwest's quotations submitted in response to request for quotations (RFQ) Nos. DAKF61-93-Q-0221, -0224, -0252, -0257, -0259, -0260, -0265, -0268, -0270, -0298, -0300 and -0303, for lawn maintenance services at various reserve centers located in Wisconsin and Illinois. The protester contends that as the low responsive offeror under the 12 solicitations, it is entitled to all awards.

We dismiss the protests.

The low quotations submitted in the name of Midwest Services, were signed by "Mary Flynn, Contract Consultant." During a preaward survey, the contracting officer learned that Mary Flynn was Mary P. Flynn Beier,¹ an individual who

¹The three references submitted by Midwest Services were contacted by the contracting agency, each of whom identified Mary Beier as the individual that they had dealt with. Thereafter, Ms. Flynn stated that Beier is her married name and she started using her maiden name after the death of her

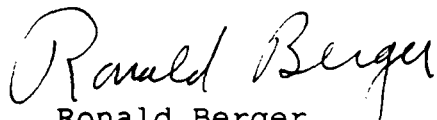
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currently appears on the ineligible bidders list as precluded from government contract awards until July 1, 1994, having been debarred on October 31, 1988, for violations of the Service Contract Act (SCA), 41 U.S.C. § 351, et seq. (1988), and subsequently having been debarred for a second time. By letter dated March 23, 1993, the Department of Labor issued a notice of proposed debarment to Midwest based on its determination that Ms. Flynn has a substantial interest in that firm within the meaning of Section 5(a) of the SCA.² On April 1, Midwest received notice from the Army that its quotations had been rejected based on the agency's determination that Ms. Flynn, a debarred bidder, has a substantial interest in Midwest. These protests followed.

The SCA provides that no government contract may be awarded to any firm in which a debarred contractor has a substantial interest. 41 U.S.C. § 354. Although Midwest is contesting its proposed debarment, Midwest concedes that it is a sole proprietorship owned by Ms. Flynn, and that Ms. Flynn is currently listed as a debarred contractor. Under these circumstances, the Army correctly determined that Midwest is ineligible for award because its owner is a debarred contractor.

The protests are dismissed.


Ronald Berger
Associate General Counsel

¹(...continued)

husband. Ms. Flynn further indicated that her middle name is Pat or Patti, a name which she uses on occasions.

²It appears that Midwest is contesting the proposed debarment on the grounds that Ms. Flynn was unaware that she had been debarred for a second time.